



Washington State Department of Agriculture

Commercial Feed Regulations Fact Sheet

This fact sheet contains information about the feed regulations administered by the Washington State Department of Agriculture (WSDA).

The Washington State Department of Agriculture (WSDA) regulates the distribution of commercial animal feed (which includes livestock feed, poultry feed, pet food and specialty pet food). To accomplish this role, WSDA:

- reviews labels of feed for animal production (livestock, poultry, etc.) at manufacturing or distribution facilities;
- reviews labels of pet food and specialty pet food submitted by registrants;
- collects samples of commercial animal feeds to verify guaranteed analysis on the labels and test for contaminants when there is cause for concern;
- responds to complaints involving commercial feed distribution;
- works in partnership with the Food and Drug Administration to monitor and educate feed producers about the federal good manufacturing practice regulations and other rules like those intended to prevent the establishment and spread of bovine spongiform encephalopathy (mad cow disease); and,
- has formed a Feed Advisory Committee consisting of interested parties and feed industry representatives to assist the department in administration of the feed program.

Definition of Commercial Feed

As “commercial feed” is defined under Chapter 15.53, it includes all materials that are distributed or intended for distribution for use as animal feed or for mixing in feed, unless such materials are specifically exempted. Both the Commercial Feed Law, Chapter 15.53 RCW, and the

Rules Relating to Commercial Feeds, WAC 16-200-750 – 887, provide exemptions for some specific feed ingredients.

Ingredients exempted under RCW 15.53.901(2) of the Commercial Feed Law

Unmixed whole seeds and physically changed or altered entire unmixed seeds when seeds are not chemically changed or adulterated. These include unmixed (ground or whole) wheat, barley, corn, oats, buckwheat, milo, rye, flaxseed, kafir, triticale, peas cottonseed and other unmixed seeds or grain.

Ingredients exempted under WAC 16-200-750(3) of Rules Relating to Commercial Feeds

Raw meat, loose salt, hay straw, stover, silage, cobs, husks and hulls, when unground and when such commodities are not mixed or intermixed with other materials, and are not adulterated.

Examples of Materials Classified as Commercial Feed

Plant protein supplements (soybean, canola, cottonseed, and sunflower meal; pea byproducts, etc.), animal protein supplements (meat and bone meal, animal byproduct meal, blood meal, milk and whey byproducts, etc.), non-protein nitrogen supplements (urea diammonium phosphate, amino acids, etc.), processed grain by-products (brewers dried grain, corn gluten meal, corn and wheat bran, corn gluten feed, wheat mill run, distillers dried grains, grain sorghum, etc.), forage and roughage products (dehydrated alfalfa meal, soybean mill feed, etc.), molasses products (beet and cane molasses, molasses distillers' dried solubles, etc.), screenings (cottonseed and grain screenings, etc.), fermentation products, miscellaneous products (beet pulp, guar meal, etc.), special purpose ingredients, any mix of whole or processed grains, mineral supplements (mineral blocks, limestone, defluorinated phosphate, etc.), vitamin supplements (individual, multiple vitamins or vitamin precursor mixes, etc.), concentrate feeds, pet food (cat and dog food), specialty pet food (parrot and canary feed, etc.), and other complete feeds for all species (poultry, swine, horse, and emu feed, etc.) to include customer formula or labeled feeds.

The above examples are representative of some of the most common products classified as commercial feed. For classification of any ingredients that are not listed, please contact WSDA's feed registration staff at (360) 902-2025 or by email at feedreg@agr.wa.gov.

Commercial Feed License Requirements

A WSDA commercial feed license is required annually from WSDA if one or more of the following applies:

1. you are an initial distributor of a commercial feed in or into the state;
2. you manufacture a commercial feed for distribution in or into the state; and/or,
3. your name appears as the responsible party on a commercial feed label to be distributed in or into the state.

Note: A Washington State Commercial Feed License is not required for distribution of exempted feed materials (see above), pet food or specialty pet food. Distribution of pet food and specialty pet food in the state of Washington requires product label registration (see below).

Pet Food and Specialty Pet Food Label Registration Requirements

Labels of pet food* and specialty pet food** must be registered with WSDA annually before distribution in Washington State. The application for registration of pet food and specialty pet food must be completed and submitted along with copies of labels and the registration fees (\$11.00 per product for packages weighing 10 pounds or more and \$45.00 per product for packages less than 10 pounds). Application for renewal of registration is due July 1st of each year. A penalty fee of ten dollars per product will be added to the registration fees if a registration renewal application is not filed prior to July 15th of each year.

Pet food* – a commercial feed prepared and distributed for consumption by pets. Pets are domesticated animals normally maintained in or near the household of the owner of the pet.

Specialty pet food** – a commercial feed prepared and distributed for consumption by specialty pets. Specialty pets are domesticated animal pets normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

Tonnage Report and Inspection Fee Payment Requirements

The initial distributor of a commercial feed in or into the state of Washington is responsible for submitting a tonnage report and paying the inspection fee unless the commercial feed is distributed to an “exempt buyer.” An exempt buyer is defined as a licensee who has agreed to be responsible for reporting tonnage and paying inspection fees for **all** commercial feeds they distribute. The department maintains a list of all exempt buyers and will make the list available upon request.

Frequently Asked Questions

Pet Food and Specialty Pet Food Regulations

Q #1: Do I need to register dog treats or dog biscuits including those that are homemade?

A #1: Yes. The definition of commercial feed includes dog and cat food and treats.

Q #2: I have a small business and only produce a small quantity of dog treats. Is there an exemption from registration and tonnage fee payment due to the size of a business?

A #2: No. The registration requirements are not related to the volume of products being distributed. Tonnage reports for inspection fees are also required for all commercial feeds distributed in packages larger than 10 pounds. The tonnage inspection fee is directly related to the volume of commercial feed distributed.

Q #3: What is the registration fee for commercial feed including dog treats?

A #3: The only commercial feed that requires registration is pet food and specialty pet food. The registration fee for pet food and specialty pet food, including dog treats, is \$45.00 per product for any product that weighs less than 10 pounds. The registration fee for packaged product that weighs 10 pounds or more, or for bulk product, is \$11.00 per product.

Q #4: What is the inspection fee for bulk or packaged feed?

A #4: Distribution of commercial feed in packages weighing 10 pounds or more, or in bulk, requires payment of an inspection fee of \$0.09 per ton. Commercial feed in small packages (less than 10 pounds) is exempt from the inspection fee.

Q #5: What is the inspection fee used for?

A #5: The inspection fees are used for funding sampling and inspection activities of the program. WSDA routinely collects commercial feed samples and tests for nutrients guaranteed on labels. When there is a cause for concern, WSDA also analyzes samples for contaminants.

Q #6: What information needs to be on labels of dog food, cat food or specialty pet food?

A #6: The following information needs to be on labels of all commercial feeds:

- product name
- guaranteed analysis
- list of ingredients
- name and principal mailing address
- adequate directions for use for all commercial feeds containing drugs
- the net weight (quantity statement)

Q #7: What nutrients and/or substances must be included in the guaranteed analysis statement on a label of a pet food or specialty pet food?

A #7: The guaranteed analysis statement on labels of pet food or specialty pet food must contain: the minimum percentage of crude protein, minimum percentage of crude fat, maximum percentage of crude fiber and moisture.

Q #8: How do I know if the pet food I am buying is registered?

A #8: The only sure way is to call WSDA at (360) 902-2025 for confirmation.

Q #9: I have seen a state seal stickered on bags of feed I bought at the feed store. What does that the seal mean?

A #9: The seal indicates that a WSDA feed compliance officer has sampled the bag of feed. A probe is inserted through a small hole made in the top or bottom of the bag, a small amount of product is removed in the probe and that is added to samples taken from 9 other bags of the same product. This composite sample is sent to the State Chemical and Hops laboratory in Yakima for analyses. The sample is usually analyzed for the guaranteed nutrients or substances. A sticky seal is placed over the sampling hole.

Q #10: Do I need to send in labels of the livestock and poultry feeds that I produce?

A #10: No. WSDA field staff review labels of commercial feed for production purposes (livestock and poultry feeds) at the manufacturing and distribution facilities. Feed manufacturers and bulk distributors of feed for livestock and poultry production are required to obtain a commercial feed license. The feed law does require that you submit labels for these types of commercial feed if WSDA requests them.

Q #11: What is WSDA doing about Mad Cow Disease?

A #11: WSDA is working in partnership with the Food and Drug Administration to inspect and educate feed producers about Bovine Spongiform Encephalopathy (mad cow disease).

Tonnage Reporting and Inspection Fees

Q #1: Do I need to file a tonnage report and pay inspection fees when I distribute only whole unmixed grains like wheat or corn?

A #1: Tonnage reports and inspection fees are not required as long as the grains are not mixed, adulterated or chemically changed.

Q #2: Is anyone responsible for paying inspection fees for grains like corn?

A #2: Yes. Anyone who mixes or manufactures any commercial feed, as an initial distributor of the mixed or commercial feed, is required to submit a tonnage report and pay inspection fees for the grain that is incorporated into a commercial feed; however, if corn is fed unmixed and unchanged, there is no inspection fee requirement.

Q #3: As a feed manufacturer, am I required to submit a tonnage report and pay inspection fees if I do not complete and submit the “exempt buyer status” application?

A #3: Yes. The “exempt buyer status” will only exempt you from your supplier charging you an inspection fee for the ingredients classified as commercial feeds that you prefer to pay to the department directly. Regardless of the “exempt buyer status,” a feed manufacturer is responsible for the inspection fee payment for all materials that become commercial feed in their facilities. (Please note that ground corn is not a commercial feed until it is mixed with other ingredients or is changed chemically or is adulterated.)

Q #4: As a feed manufacturer, am I responsible for paying inspection fees for soybean meal or corn gluten meal?

A #4: If you are not the initial distributor (in or into the state of Washington) of these types of ingredients and you have not applied for exempt buyer status, you are not responsible for the inspection fees. The person or firm that is the initial distributor of a commercial feed is usually responsible for the inspection fee unless they are distributing to an “exempt buyer” licensee.

Q #5: Is an inspection fee payment required for commercial feed every time the feed changes form or owner?

A #5: No. The inspection fee payment on each required ingredient is due once by the initial distributor of the commercial feed. Some ingredients are not classified as commercial feed (see the above examples for the materials that are exempt from the definition of commercial feed) until they are incorporated into a mix or have been chemically changed or adulterated.

Q #6: For ease of bookkeeping or simplicity, can I, as a feed manufacturer, pay the inspection fees for all commercial feeds I distribute and make sure that I have not been charged the fee more than once?

A #6: Yes. In fact, this is the purpose of the “exempt buyer status”--to make sure that your supplier does not pay tonnage on the commercial feed that is later distributed by you. However, you would need to complete the “exempt buyer status” application form so that the department can inform your supplier that you have assumed this responsibility.

Q #7: How will my supplier of ingredients know that I will be responsible for the inspection fee payments for the materials distributed to me?

A #7: Through WSDA's "Exempt Buyers List," suppliers may determine if inspection fees have already been paid. Your suppliers will still need to complete a tonnage report which lists the tonnage distributed to you as exempt since you will be responsible for that portion.

Q #8: When are commercial feeds exempt from the tonnage inspection fee?

A #8: Commercial feeds are exempt from inspection fees when:

- a) you have proof that inspection fees have been paid by your supplier;
- b) packages weigh less than 10 pounds;
- c) they are shipped to points outside Washington State;
- d) derived from food processing byproducts (fruit, vegetable, or potato processing plants; freezing or dehydrating facilities; or, juice or jelly preserving plants); or,
- e) they are bona fide experimental feeds on which accurate records and experimental programs are maintained.

Q #9: Is there a minimum inspection fee?

A #9: Yes. There is a minimum inspection of \$12.50 for each six-month reporting period or \$25.00 per year.

Q #10: May I file a tonnage report annually rather than every six months?

A #10: Upon permission of WSDA, you may report annually **only** if you distribute less than 100 tons of commercial feed for each six-month period during any year.

For further information, please contact:

Washington State Department of Agriculture

Pesticide Management Division

P. O. Box 42589, Olympia, WA 98502-2589

(360) 902-2025/Fax (360) 902-2093

feedreg@agr.wa.gov